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FOREIGN SERVICE DESPATCH

FROM : AmEmbassy AMMAN

DESP. NO.

TO : THE DEPARTMENT OF STATE, WASHINGTON.

December 19, 1959

DATE

REF :

4409179

27 For Dept. Use Only	ACTION	DEPT.
	REC'D	OTHER
	NEAL	RM/A-2 IRC-8 L-2 EUR-5 IOX
	12-28	CIA-10 USA-10

SUBJECT: Iranian Legation Note to Prime Minister Majali Setting Forth Iranian Government's Position on Shat-al-Arab Frontier Dispute with Iraq.

Enclosed is a copy of a note dated December 14, 1959 from Rokneddine Achtiary, the Iranian Minister in Amman, to Prime Minister Majali which sets forth the position of the Iranian Government in its dispute with Iraq over the Shat-al-Arab River frontier. The copy of the note was sent to the American Ambassador by Mr. Achtiary.

The text of the note presents certain declarations made by the Iranian Foreign Minister in answer to statements on this subject made by Iraqi Prime Minister Qassim, who, the note alleges, "tried to misrepresent the facts." The Iranian Government's position has undoubtedly been reported to the Department by Embassy Tehran, but it is of interest that the Iranian Government has informed the Jordanian Government of its side of the argument, an indication of the seriousness with which Iran regards this question.

For the Ambassador:

R. V. Keeley
R. V. Keeley
Second Secretary of Embassy

Enclosure:

Note to Prime Minister Majali.

cc: Tehran, Baghdad, London.

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Encl. No. 1

Desp. No. 219

From AMMAN

Note to Prime Minister Majali
from the Iranian Legation

December 14, 1959

"Excellency,

"Three days ago, the Foreign Minister of Iran has made certain declarations concerning the Border lines of Iran and Iraq which may be of interest to Your Excellency. I therefore, mention hereunder the gist of some of these declarations¹ relevant points:-

"The Prime Minister of Iraq had, in connection with the Irano-Iraqi borders, tried to misrepresent the facts, because the Iranian Government had never relinquished its rights in The Shat-al-Arab River; during the last three centuries, three treaties had been concluded between Iran and the Ottoman Government concerning border disputes, and in all these treaties the joint jurisdiction of Iran over Shat-al-Arab River were recognized. And, although the Iranian Government had, after the First World War, established good neighbourly relationship with Iraq, nevertheless it had, in conformity with the general principles of international laws, always maintained the mid-water line of Shat-al-Arab River to be the frontier.

"The Iranian Government, however, wishing to remove the disputes, and to pave the way for the strengthening of the ties of friendship between the two nations, had agreed to sign the Treaty of 1937 which was not safeguarding the legitimate rights of Iran and was more in favour of Iraq.

"In this Treaty also the equal rights of Iran regarding the full right of making use of the Shat-al-Arab River by Iran as well as its administration were clearly stipulated.

"The continued practice of the Iraqi Government, which, the declarations of the Iraqi Premier are a regrettable example of it, would force us to reconsider our policy and take those steps which would be considered necessary for safeguarding our rights.

"The Iraqi Prime Minister had, in his declarations, mentioned the principles of international law, which is pleasing, because on the strength of these very principles the border line between two countries is either the mid-water line or the Thalweg line, but in no where in the world the right of unilateral administration and use of such rivers was ever exercised.

"In this period where the United Nations² Organization fortunately exists, is it not regretful that the head of a friendly and neighbouring Government should, quite contrary to the principles of international law, deliver certain utterances and refer to armed forces? We explicitly declare that the Imperial Government of Iran will as had repeatedly reminded the Iraqi Government, maintain all its rights in the Shat-al-Arab River, and is determined to exercise these rights moreover, it will persistently press for her past claims and will not give way for any of the rights of the Iranian nation to be violated or lost.

"The Iranian Government does not recognize any other border line but the 'Thalweg' line in the Shat-al-Arab River as conforming with the international laws and principles.

"Please accept, Excellency, the renewed assurance of my highest consideration."

R. ACHTIANY

Minister of Iran."